

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:17-CR-045-FDW-DCK**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DARRELL ANTONIO BERRY,

Defendant.

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ORDER

THIS MATTER IS BEFORE THE COURT on the handwritten letter (Document No. 17) of Defendant Darrell Antonio Berry, to Judge Richard L. Voorhees, filed with the Court on June 7, 2018. By this letter, which the undersigned will treat as a “Motion To Return Property,” Defendant seeks the return of \$1,187 on the grounds that the case against him was dismissed, and that there was purportedly a valid source for the funds. This letter was filed only in the above-numbered case, and to date has not been responded to by the Government.

Upon further review, it appears this case was dismissed in exchange for Defendant’s plea of guilty in a related supervised release violation case, 5:06-CR-022-FDW-DSC. In fact, it appears Defendant is currently serving his federal sentence in that supervised release violation case, in which he received a sentence of 60 months imprisonment. It further appears that some of the violations to which Defendant pled guilty were the events that also underlay the counts in the now-dismissed indictment.

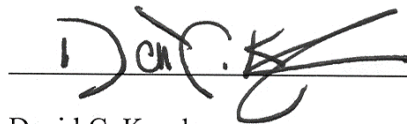
IT IS, THEREFORE, ORDERED that Defendant’s *pro se* “Motion To Return Property” (Document No. 17) also be filed in Case No. 5:06-CR-022-FDW-DSC, Defendant’s supervised release violation case.

IT IS FURTHER ORDERED that the Clerk's Office ensure service of this motion, and this Order, upon Assistant U.S. Attorney Steve Kaufman.

IT IS FURTHER ORDERED that Mr. Kaufman, or another lawyer for the Government, respond to Defendant's motion, on or before **August 31, 2018**.

SO ORDERED.

Signed: August 21, 2018



David C. Keesler
United States Magistrate Judge

